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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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30246-1

Texas Instruments Incorporated  
P.O. Box 655474 MS 3999  
Dallas, TX 75265

In re Application of :  
SEGAL, et al. :  
U.S. Application No.: 09/674,577 :  
PCT No.: PCT/IL99/00228 :  
Int. Filing Date: 02 May 1999 :  
Priority Date: 01 May 1998 :  
Attorney Docket No.: TI-30246 -/ :  
For: DATA TRANSMISSION SYSTEM WITH :  
AUTOMATIC REPEAT REQUEST :

DECISION

This application is before the PCT Legal Office for consideration of issues arising under 37 CFR 371.

### BACKGROUND

On 01 May 1998, applicant filed international application PCT/IL99/00228. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 November 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 01 December 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 01 November 2000.

On 01 November 2000, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for this international application by counsel from the firm of Eitan, Pearl, Latzer & Cohen-Zedek. An executed power of attorney was not filed. This submission was assigned application number 09/674,424.

Also on 01 November 2000, a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" was filed for this international application by counsel from Texas Instruments Incorporated accompanied by payment of the basic national fee. An executed power of attorney was not filed. This submission was assigned application number 09/674,577.

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On 12 December 2000, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) and "NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION (Form PCT/DO/EO/917) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date and providing a surcharge of \$130.00 for providing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e). These notices corresponded to application 09/674,424 and were mailed to the law firm of Eitan, Pearl, Latzer & Cohen-Zedek.

On 22 February 2001, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. This notice corresponded to application 09/674,577 and was mailed to Texas Instruments Incorporated.

On 04 May 2001, applicant responded by filing an executed declaration and power of attorney appointing Texas Instruments Incorporated as agent accompanied by a request for a two-month extension of time and payment of the \$390.00 extension fee.

### DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/IL99/00228 (United States application numbers 09/674,424 and 09/674,577). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

As noted above, the documents filed in 09/674,577 include a declaration executed by the inventors. This declaration includes appointment of counsel. The documents filed in application number 09/674,424 do not include a declaration nor a power of attorney. Accordingly application number 09/674,577 will be treated as the United States national stage application for international application PCT/IL99/00228.

### CONCLUSION

This application is being forwarded to the National Stage Processing Division for further processing in accordance with this decision, namely, 1) Transferring the papers filed on 01 November 2000 in application number 09/674,424 to the present file, 2) Crediting all fees paid in

Application No.: 09/674,577

3

application number 09/674,424 to Deposit Account No. 05-0649 and 3) Preparation and mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) if applicable:



Richard Cole  
Legal Examiner  
PCT Legal Office



Derek A. Putonen  
Petitions Attorney  
PCT Legal Office  
Tel: (703) 305-0130  
Fax: (703) 308-6459